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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Silver et al.**

Application No.: **09/114,335**

Group Art Unit: **2741**

Filed: **7/13/98**

Examiner: **Not Yet Assigned**

Title: **METHOD FOR FAST, ROBUST, MULTI-DIMENSIONAL
PATTERN RECOGNITION**

Atty. Docket Number: **C98-035**

Box DAC
Assistant Commissioner for Patents
Crystal Park One, Suite 520
Washington, DC 20231

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that on 11/15/00 this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: ATTN: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Kristin M. Kaberry
Kristin M. Kaberry

**PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF THE
HOLDING OF ABANDONMENT**

Dear Sir:

In response to the Notice of Abandonment mailed by the United States Patent and Trademark Office on 6/16/99 (Appendix A), Applicants respectfully request that the Notice be withdrawn, and that this application be treated as pending and active. The following timetable of events details prosecution file history to date, leading up to issuance of the erroneous Notice of Abandonment in the above identified application:

1. Applicants filed the New Application Transmittal with the Assistant Commissioner for Patents on July 13, 1998 and a Filing Receipt was later received from the USPTO on or about August 10, 1998 confirming receipt of the application as filed (Appendix B). Lack of a mail date on Filing Receipts at that time cannot confirm actual PTO mail date, but the Foreign Filing License was granted on 8/4/98.
2. Applicants noted an error on the Filing Receipt and therefore filed a *Request for Corrected Filing Receipt* on September 1, 1998. (Appendix C) In the course of continuing the prosecution, Applicants also filed an *Information Disclosure Statement* on November 25, 1998 (Appendix D) and a postcard receipt was then returned by the USPTO stamped as received on November 27, 1998.

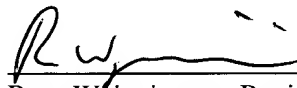
3. Applicants then received a Corrected Filing Receipt with a mail date of 2/3/99. (Appendix E)
4. A facsimile transmission from Ms. Carol Barnes of the Office of Initial Patent Examination dated June 11, 1999 was then received which attached a copy of the *Notice to File Missing Parts of Application* with a mail date of August 5, 1998.(Appendix F) At that point only did the Applicants then become aware of the Missing Parts Notification, as dated almost a year prior, and it was therefore not possible to reply to said notice in a timely manner.
5. Soon after, Applicants then received the Notice of Abandonment Under 37 1.53(f) or (g) from the USPTO with a mail date of June 16, 1999 for failure to timely or properly reply to the Notice of Missing Parts dated August 5, 1998.
6. Since the time of receipt of the Notice of Abandonment by the Applicants, several telephone messages have been left for Ms. Carol Barnes by the Patent Paralegal employed here at Cognex Corporation, Ms. Kristin Kaberry. On October 4, 1999, Ms. Kaberry was able to speak directly with Ms. Barnes and was instructed to fax a copy of the Cognex Patent Department's mail log (Appendix G) to be reviewed by "the front office". Ms. Barnes suggested this approach to help avoid having to file a Petition to Withdraw Abandonment. Since that time, numerous follow up telephone calls have been made to Ms. Barnes, as well as to her supervisor, Mr. Kevin Diggs, over the course of a year, and a return call has not been received to date by either individuals.

As made evident in the details above, the Notice of Abandonment was issued due to failure by the Applicants to respond to the Notice of Missing Parts, but the Applicants respectfully request that the Notice of Abandonment be withdrawn since a timely and proper response to the Notice to File Missing Parts was not possible due to the untimely receipt of said Notice.

Please charge any fees associated with this matter to our Deposit Account No. 03-2357, however, the Applicants request a waiver of any fee for the Petition herein, if the abandonment is found to be due to an error on behalf of the Patent and Trademark Office.

Respectfully Submitted,

Dated: 11/14/00



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